



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission

From: Mitchell N. Harvey, AICP, Comprehensive Planning Manager *MH*

Through: Townsley Schwab, Acting Director of Planning & Environmental Resources

Date: December 1, 2008

Subject: *10-Year Water Supply Facilities Work Plan*

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**Meeting:** December 16, 2008

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#### I REQUEST

The Growth Management Division is requesting to amend the Monroe County Year 2010 Comprehensive Plan to adopt a 10-year Water Supply Facilities Work Plan, in accordance with Section 163.3177(6)(C) of the Florida Statutes requires that Infrastructure Element of the Comprehensive Plan incorporate a 10-Year Water Supply Plan that identifies alternative water supply projects, traditional water supply projects, conservation and reuse to meet identified water needs. The Monroe County Year 2010 Comprehensive Plan is proposed to be amended to include the following:

#### **3.7 Potable Water**

##### **Policy 701.1.6**

Monroe County shall implement a concurrency management system that is consistent with the South Florida Water Management District Lower East Coast Regional Water Supply Plan and Florida Keys Aqueduct Authority 20-year Water System Capital Improvement Master Plan.

##### **Policy 701.1.7**

Monroe County shall prepare and maintain a 10-year Water Supply Work Plan that identifies alternative water supply projects, traditional water supply projects, conservation, and reuse necessary to meet the Monroe County Unincorporated Area water supply needs, consistent with the South Florida Water Management District Lower East Coast Regional Water Supply Plan and the Florida Keys Aqueduct Authority 20-year Water System Capital Improvement Master Plan.

1 **Policy 701.1.8**

2 Monroe County shall update the 10-year Water Supply Work Plan every 5 years or within 18  
3 months after the governing board of the South Florida Water Management District approves  
4 an updated regional water supply plan.  
5

6 **3.13 Intergovernmental Coordination**  
7

8 **Policy 1301.1.15**

9 Monroe County shall consult with the Florida Keys Aqueduct Authority to confirm the  
10 availability of water supply prior to the issuance of a building permit.  
11

12 **Policy 1301.1.16**

13 Monroe County shall initiate an interlocal agreement with the Florida Keys Aqueduct  
14 Authority (FKAA) to establish a mechanism whereby the FKAA and the County identify the  
15 availability of water supply needed to serve existing and new development within the  
16 Unincorporated Area, monitor the utilization of the water supply, and implement such  
17 alternative water supply projects, traditional water supply projects, conservation projects, and  
18 reuse necessary to meet Monroe County's water supply needs.  
19

20 **II PROCESS**  
21

22 Amendments to the Goals, Objectives, and Policies of the Comprehensive Plan may be  
23 proposed by the Board of County Commissioners (BOCC), the Planning Commission or the  
24 Director of Planning. The Director of Planning shall review and process amendments and  
25 pass them on to the Development Review Committee and the Planning Commission for  
26 recommendation and final approval by the BOCC.  
27

28 The Planning Commission and the BOCC shall each hold at least one public hearing on a  
29 proposed amendment. The Planning Commission shall review the amendment, the reports  
30 and recommendations of the Department of Planning & Environmental Resources and the  
31 Development Review Committee, and the testimony given at the public hearing, and shall  
32 submit its recommendations and findings to the BOCC. The BOCC shall consider the staff  
33 report, recommendation, and testimony given at the public hearings and may either deny the  
34 application or adopt or not adopt a resolution transmitting the proposed amendment to the  
35 DCA. Amendments are then reviewed by the Florida Department of Community Affairs and  
36 returned to the County with objections, rejections and comments to be considered prior to  
37 adoption of the ordinance. Then, an adoption hearing is scheduled for the BOCC.  
38

39 **III RELEVANT PRIOR COUNTY ACTIONS**  
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41 November 18, 2008, BOCC Approval of the annual Capital Improvement Element Update.  
42

43 **IV REVIEW OF APPLICATION**  
44

45 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*  
46 *County Year 2010 Comprehensive Plan:*

1 The proposed amendment will support and enhance the level of service standards  
2 identified within the Potable Water Element and ensure the availability of water supply as  
3 identified within the Capital Improvements Element and the Intergovernmental  
4 Coordination Element.

5  
6 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*  
7 *the Monroe County, Land Development Regulations:*  
8

9 The proposed amendment does not require an amendment to the Land Development  
10 Regulations.

11  
12 C. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*  
13 *Critical State Concern:*  
14

15 All land development regulations enacted, amended or rescinded within an area of critical  
16 state concern must be consistent with the Principles for Guiding Development, Section  
17 380.0552(7), Florida Statutes. The proposed GOP amendment promotes and furthers the  
18 following Principles in Section 380.0552(7):  
19

- 20 i. To strengthen local government capabilities for managing land use and  
21 development so that local government is able to achieve these  
22 objectives without the continuation of the area of critical state concern  
23 designation.  
24

25 The proposed amendments and 10-Year Water Supply Facilities Plan  
26 will insure the availability of water supply concurrent with the issuance  
27 of a building permit. The amendments identify the Florida Keys  
28 Aqueduct Authority as the sole source provider of water supply in  
29 Monroe County. The Florida Keys Aqueduct Authority's 20-Year  
30 Capital Improvement Master Plan is incorporated by reference into the  
31 Monroe County 2010 Comprehensive Plan.  
32

- 33 ii. To protect shoreline and marine resources including mangroves, coral  
34 reef formations, seagrass beds, wetlands, fish and wildlife, and their  
35 habitat.  
36

37 No impact to marine resources is anticipated.  
38

- 39 iii. To ensure the maximum well-being of the Florida Keys and its citizens  
40 through sound economic development.  
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42 Centralized water supply is an essential component of residential and  
43 nonresidential development. The proposed amendments will insure the  
44 availability of water supply concurrent with the issuance of a building  
45 permit..

iv. To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

The provision of centralized water supply will insure the provision of clean and available water to both residential and non-residential land uses.

v. To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including sewage collection and disposal facilities.

The proposed amendments identify the Florida Keys Aqueduct Authority (FKAA) as the sole source provider of water supply facilities within the Monroe County. The FKAA is the entity responsible for the provision of supply, distribution, financing, and rate setting for potable water. By incorporating the FKAA 20-year Capital Improvements Master Plan into the Monroe County 2010 Comprehensive Plan and developing a process for insuring the availability of water concurrent with the issuance of a building permit, the exiting and projected water supply needs of Monroe County will be provided.

vi. To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.

The provision of adequate water supply promotes a healthy and productive environment for Monroe County's residents and visitors. The County's economic growth is dependent upon the availability of water. The maintenance of water pressure is also necessary for fire projection. Water conservation, reuse, and reverse osmosis systems all contribute to the maintenance of a healthy, sustainable lifestyle that makes the Florida Keys a unique place to live and visit.

#### D. *Impact on Community Character:*

The proposed amendment will allow the continued availability of water supply for existing and projected residents, visitors, and businesses.

### V FINDINGS OF FACT

1. Section 163.3180(2)(a). F.S. requires local governments to consult with water suppliers to ensure that adequate water supplies will be in place and available to serve new development no later than when the local government issues a certificate of occupancy. Local Governments should update their comprehensive plans and land development regulations to address this concurrency requirement.

2. The South Florida Water Management District (SFWMD) has updated its Lower East Coast Water Supply Plan, which identifies areas where water supply shortages are projected to occur within the next 20 years.

3. The service provider for potable water in Monroe County is the Florida Keys Aqueduct Authority (FKAA). The FKAA prepared a 20-year Water System Capital Improvement Master Plan in December, 2006 that is consistent with the South Florida Water Management District (SFWMD) Lower East Coast Water Supply Plan.

4. Pursuant to Section 163.3177(6)(c), F.S., local governments that are subject to a regional water supply plan must adopt a 10-year water supply facilities plan in their comprehensive plans.

5. Monroe County is to prepare a 10-year Water Supply Work Plan and update its comprehensive plan. This update is exempt from the twice per year comprehensive plan amendment process.

6. The Potable Water Element and Intergovernmental Coordination Element of the Monroe County 2010 Comprehensive Plan presently includes goals, objectives and policies that identify the roles and responsibilities for coordination with FKAA as the service provider for water supply within Monroe County.

7. The proposed amendments are internally consistent with other elements of the Comprehensive Plan.

8. On December 15, 2008 the Monroe County Development Review Committee held a public meeting on the proposed ordinance, and in due consideration of public and staff comments, recommended forwarding the proposal to the Monroe County Planning Commission.

#### VI CONCLUSIONS OF LAW

1. The proposed amendment will support and enhance the existing or future land use character of Monroe County.

2. The proposed amendment is internally consistent with the Monroe County Comprehensive Plan.

3. The proposed amendment will allow a more comprehensive implementation of a centralized water supply system throughout the unincorporated area of Monroe County..

#### VII RECOMMENDATION

Staff recommends **approval** to the Monroe County Planning Commission.

VIII ATTACHMENTS

1. Monroe County 10-Year Water Supply Plan
2. Draft Ordinance
3. Draft Resolution